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5 *Counsel for Defendant, Gregory P. Burleson*

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 v.)

11 GREGORY P. BURLESON,)

12 Defendant.)
13 _____)

CASE NO.: 2:16-CR-00046-GMN-PAL-16

14 REPLY TO GOVERNMENT'S RESPONSE TO MOTION TO RECONSIDER
15 MAGISTRATE'S DECISION TO DENY PRETRIAL RELEASE [Dkt. 214]

16 The Government, in their response, relies solely on Magistrate Leen's conclusion the
17 Government has shown by clear and convincing evidence BURLESON "is a danger to the
18 community." (Response, pg. 2) Judge Leen relied on Defendant's past inflammatory statements and
19 totally ignored his present condition.

20 The Government states in a footnote BURLESON has not provided "much of any evidence"
21 documenting his health issues and prognosis of those issues. (Response, pg. 4) The Defendant's
22 written medical records were not available to counsel on March 21, 2016, because counsel had just
23 been appointed. His counsel did however advise the Magistrate that BURLESON was blind and that
24 he had a seizure disorder. He had verified this information from the Defendant's mother. (See -
25 transcript, 3/21/16 hearing, p. 16, 17)

26 Since the March 21, 2016 hearing, Defendant has completed the necessary HIPPA release
27 forms and is in the process of gathering many of the Defendant's official medical records showing
28 his medical infirmities. (See Exhibit A) A review of these records detail the Defendant's eyesight
is so damaged that his eyes are non-functioning. It is doubtful he will ever see again. It is certain he

1 will never be magically cured while in the Pahrump Detention Center during the next two years
2 awaiting trial.

3 As a blind, helpless man, he does not present a danger to others. No matter how inflammatory
4 his rhetoric was in the past, keeping him in custody now violates the Bail Reform Act and the Eighth
5 Amendment. Defendant has clearly rebutted any presumption he should be locked up for years
6 awaiting trial by showing without doubt his medical condition prevents him from causing harm to
7 others.

8 DATED this 19th day of April, 2016.

9 /s/ Terrence M. Jackson
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14 CERTIFICATE OF ELECTRONIC FILING AND SERVICE

15 I hereby certify that service of the above entitled REPLY TO GOVERNMENT'S
16 RESPONSE TO MOTION TO RECONSIDER MAGISTRATE'S DECISION TO DENY
17 PRETRIAL RELEASE was made this 19TH day of April, 2016, upon the parties in this action by
18 CM/ECF (electronic filing) as follows:

19
20 DANIEL G. BOGDEN
United States Attorney

21 NICHOLAS D. DICKINSON
22 STEVEN W. MYHRE
Assistant United States Attorneys

23 NADIA J. AHMED
24 ERIN M. CREEGAN
Special Assistant United States Attorneys

25
26 By: /s/ Ila C. Wills
27 Legal Assistant to Terrence M. Jackson
28